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SENATE BILL 432

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO SUBDIVISION REGULATION; ALLOWING CERTAIN CLASS A  
COUNTIES TO STREAMLINE THE SUBDIVISION APPROVAL PROCESS;  
PROVIDING FOR APPEALS TO THE BOARD OF COUNTY COMMISSIONERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 47-6-9 NMSA 1978 (being Laws 1973,  
Chapter 348, Section 9, as amended) is amended to read:

"47-6-9. SUBDIVISION REGULATION--COUNTY AUTHORITY.--

A. The board of county commissioners of each county  
shall regulate subdivisions within the county's boundaries. In  
regulating subdivisions, the board of county commissioners of  
each county shall adopt regulations setting forth the county's  
requirements for:

(1) preliminary and final subdivision plats,  
including their content and format;

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- 1 (2) quantifying the maximum annual water
- 2 requirements of subdivisions, including water for indoor and
- 3 outdoor domestic uses;
- 4 (3) assessing water availability to meet the
- 5 maximum annual water requirements of subdivisions;
- 6 (4) water conservation measures;
- 7 (5) water of an acceptable quality for human
- 8 consumption and for protecting the water supply from
- 9 contamination;
- 10 (6) liquid waste disposal;
- 11 (7) solid waste disposal;
- 12 (8) legal access to each parcel;
- 13 (9) sufficient and adequate roads to each
- 14 parcel, including ingress and egress for emergency vehicles;
- 15 (10) utility easements to each parcel;
- 16 (11) terrain management;
- 17 (12) phased development;
- 18 (13) protecting cultural properties,
- 19 archaeological sites and unmarked burials, as required by the
- 20 Cultural Properties Act;
- 21 (14) specific information to be contained in a
- 22 subdivider's disclosure statement in addition to that required
- 23 in Section 47-6-17 NMSA 1978;
- 24 (15) reasonable fees approximating the cost to
- 25 the county of determining compliance with the New Mexico

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1 Subdivision Act and county subdivision regulations while  
2 passing upon subdivision plats;

3 (16) a summary procedure for reviewing certain  
4 type-three and all type-five subdivisions as provided in  
5 Section 47-6-11 NMSA 1978;

6 (17) recording all conveyances of parcels with  
7 the county clerk;

8 (18) financial security to assure the  
9 completion of all improvements that the subdivider proposes to  
10 build or to maintain;

11 (19) fencing subdivided land, where  
12 appropriate, in conformity with Section 77-16-1 NMSA 1978,  
13 which places the duty on the purchaser, lessee or other person  
14 acquiring an interest in the subdivided land to fence out  
15 livestock; and

16 (20) any other matter relating to subdivisions  
17 that the board of county commissioners feels is necessary to  
18 promote health, safety or the general welfare.

19 B. Subsection A of this section does not preempt  
20 the authority of any state agency to regulate or perform any  
21 activity that it is required or authorized by law to perform.

22 C. Nothing in the New Mexico Subdivision Act shall  
23 be construed to limit the authority of counties to adopt  
24 subdivision regulations with requirements that are more  
25 stringent than the requirements set forth in the New Mexico

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1 Subdivision Act, provided that:

2 (1) the county has adopted a comprehensive  
3 plan in accordance with Section 3-21-5 NMSA 1978;

4 (2) the comprehensive plan contains goals,  
5 objectives and policies that identify and explain the need for  
6 requirements that are more stringent; and

7 (3) the more stringent regulations are  
8 specifically identified in the comprehensive plan.

9 D. The board of county commissioners of a class A  
10 county with a population over five hundred thousand may by  
11 ordinance delegate its review and approval of subdivision  
12 plans and plats to its county planning commission and  
13 development review authority in accordance with the county's  
14 subdivision regulations. Appeals of decisions of the county  
15 planning commission and development review authority shall be  
16 taken to the board of county commissioners."